

REMARKS

Claims 54-56, 58-64, 66-69, and 100-111 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed combination of U.S. Patent Application Publication No. 2003/0154085 to Kelley and U.S. Patent No. 6,278,975 to Brant. Additionally, Claims 57 and 65 were rejected as being unpatentable over the proposed combination of Kelley, Brant, and U.S. Patent No. 6,766,297 to Lamer et al. Applicant respectfully requests reconsideration and withdrawal of these rejections because neither Kelley nor Lamer et al. qualifies as prior art.

The present application has an actual filing date of April 13, 2004 but has an effective filing date of January 29, 1999.¹ Kelley was published on August 14, 2003, which is *after* the effective filing date of the present application (January 29, 1999). Accordingly, Kelley does not qualify as prior art under 35 U.S.C. § 102(b). Further, Kelley was filed on February 8, 2002, which is also *after* the effective filing date of the present application (January 29, 1999). Accordingly, Kelley does not qualify as prior art under 35 U.S.C. § 102(e) either. Since Kelley was used to reject all the claims but does not qualify as prior art, Applicant submits that the rejections of all the claims should be removed.

Lamer et al. also does not qualify as prior art. Lamer et al. was published on July 20, 2004, which is *after* the effective filing date of the present application (January 29, 1999). Accordingly, Lamer et al. does not qualify as prior art under 35 U.S.C. § 102(b). Further, since the filing date of Lamer et al. (December 29, 1999) is *after* the effective filing date of the present application (January 29, 1999), Lamer et al. does not qualify as prior art under 35 U.S.C. § 102(e) either. As the rejections of Claims 57 and 65 were based both on Kelley and Lamer et al., the disqualification of Lamer et al. as prior art provides an additional reason why the rejections of Claims 57 and 65 should be removed.

¹ The present application is a divisional of U.S. patent application no. 10/306,369, filed November 26, 2002 (now U.S. Patent No. 6,743,175), which is a divisional of U.S. patent application no. 09/239,271, filed January 29, 1999 (now U.S. Patent No. 6,514,201).

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Reconsideration is respectfully submitted.

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